



REMARKS

Claims 1 – 48 are pending in the above-identified application. In the Office Action of September 26, 2006, claims 1 – 12 and 21 were rejected, and claims 13 – 20 and 22 – 48 were withdrawn from consideration. Reconsideration is respectfully requested in view of the following remarks.

Rejection of claims 1 – 12 and 21 under 35 U.S.C. §102 over Noh et al.

At page 3 of the Office Action, claims 1 - 12 and 21 were rejected under 35 U.S.C. §102(e) as being anticipated by Noh et al. (U.S. Patent Application 2004/0197667). For the following reasons, this rejection is traversed and reconsideration is requested.

The 35 U.S.C. §102(e) date of the Noh et al. application is its U.S. filing date, September 3, 2003. The present application claims the benefit of Korean Patent Application No. 2003-15749, which was filed March 13, 2003. A certified copy of Korean Patent Application No. 2003-15749 was filed in the United States Patent and Trademark Office as acknowledged by the Examiner on page 1 of the Office Action mailed July 18, 2006. Further, Applicants enclose an English translation of Korean Patent Application No. 2003-15749, along with a statement from the translator in compliance with 37 CFR 1.55(a)(4). As such, it is respectfully submitted that the Applicants have established a date of invention of at least March 13, 2003. MPEP 201.15. Since Noh et al. has a U.S. filing date after the date of invention for the instant application, it is respectfully submitted that Noh et al. is not available as prior art under 35 U.S.C. §102(e). MPEP 706.02(a)(II)(C) and 706.02(b). Since Noh et al does not appear to otherwise qualify as prior art, Applicants respectfully request that the Examiner withdraw the rejection of claims 1 – 12 and 21 over Noh et al.

Request for rejoinder and allowance of withdrawn claims 13 – 20 and 22 – 48

As noted above, the only rejection that has been applied against claims 1 – 12 and 21 cannot stand, since the applied publication Noh et al. is disqualified as a reference. Therefore, claims 1 – 12 and 21 are allowable.

Claims 13 – 20 depend directly or indirectly from claim 1. Claims 13 – 20 were not subject to a restriction requirement and therefore, the basis for the Examiner treating these claims as withdrawn claims in the present Office Action is not understood. Nevertheless, since claim 1 is allowable, then clearly, claims 13 – 20 should be rejoined and allowed.

Claims 22 – 38 (Group III) are directed to a lithium secondary battery that includes a non-aqueous electrolyte. In Applicants' preliminary amendment of August 18, 2006, independent claim 22 was amended such that the non-aqueous electrolyte is defined exactly as it is defined in claim 1. Therefore, since claims 22 – 38 require all of the limitations of allowable claim 1, the restriction requirement regarding claims 22 – 38 should be withdrawn, and claims 22 – 38 should be rejoined and allowed.

Claims 39 - 44 (Group IV) are directed to a non-aqueous electrolyte. In Applicants' preliminary amendment of August 18, 2006, independent claim 39 was amended such that the claim contains all of the limitations of claim 1, plus the additional requirement of an organic sulfone compound. Since claims 39 - 44 require all of the limitations of allowable claim 1, the restriction requirement regarding claims 39 - 44 should be withdrawn, and claims 39 - 44 should be rejoined and allowed.

Claims 45 - 48 (Group V) are directed to a lithium secondary battery that includes a non-aqueous electrolyte. In Applicants' preliminary amendment of August 18, 2006, independent claim 45 was amended such that the recitation of the non-aqueous electrolyte contains all of the limitations of allowable claim 1, plus the additional requirement of an organic sulfone compound. Since claims 45 - 48 require all of the limitations of allowable claim 1, the restriction requirement regarding claims 45 - 48 should be withdrawn, and claims 45 - 48 should be rejoined and allowed.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

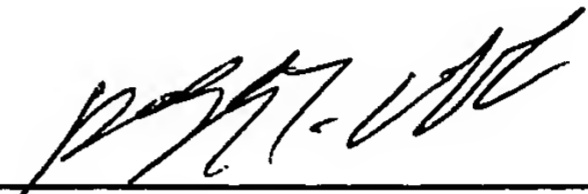
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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